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BY ECF

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Joseph Percoco, 16 CR. 776 (VEC)

Dear Judge Caproni:

I represent Joseph Percoco in connection with the appeal from his judgment of conviction. On September 20, 2018, at Mr. Percoco's sentencing, Your Honor set December 28, 2018, as the date on which Mr. Percoco is to surrender to commence serving his sentence. I respectfully request an adjournment of that surrender date for a short period for the reasons set out below.

Pending before the Court is Mr. Percoco's motion for bail pending appeal, which has been fully briefed. I understand that Mr. Percoco's co-defendant, Steven Aiello, and the Government are currently briefing a motion for bail pending appeal.

As Your Honor knows, Mr. Percoco and Mr. Aiello were convicted of the same offense of conspiring to commit honest services wire fraud in relation to the COR portion of the case. As a consequence, there there are likely to be common issues in both defendants bail motions.

I was previously notified by the Second Circuit Clerk's Office that the appeals of defendants from the trials heard by Your Honor following the severance of the original case into two trials would be consolidated. On December 14, 2018, the Court entered an Order modifying the caption "adding appellants from consolidated appeals."

Based on the foregoing, ruling on both Mr. Percoco's and Mr. Aiello's bail motions at the same time would be consistent with the consolidation of the appeals, allow the pending bail motions to be heard by the Second Circuit, if necessary, and avoid the risk and burden of possibly duplicative rulings by the Court.

My request is that Mr. Percoco's surrender date be adjourned until a date 20 days after the Court rules on Mr. Aiello's motion for bail pending appeal.

Respectfully submitted,

/s/ Walter P. Loughlin